

## Appendix F. Statement of Compliance

### STATEMENT OF COMPLIANCE<sup>1</sup>

#### for Implementation of the

**Deer Flat National Wildlife Refuge, Headquartered in Nampa, Canyon County, Idaho**  
(and Refuge lands in Payette, Owyhee, and Washington Counties in Idaho; and Malheur County  
in Oregon)

#### Comprehensive Conservation Plan

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The following executive orders and legislative acts have been reviewed as they apply to implementation of the Deer Flat National Wildlife Refuge (Refuge) Comprehensive Conservation Plan (CCP).

- **National Environmental Policy Act (1969) (42 U.S.C. 4321 et seq.) (NEPA).** The planning process has been conducted in accordance with NEPA Implementing Procedures and Department of the Interior and U.S. Fish and Wildlife Service (Service) procedures, and has been performed in coordination with the affected public.

The CCP is programmatic in many respects, and specific details of certain projects and actions cannot be determined until a later date depending on funding and implementation schedules. Certain projects or actions may require additional NEPA compliance.

- **National Historic Preservation Act (1966) (16 U.S.C. 470 et seq.).** The implementation of the CCP should not affect cultural resources. The proposed action does not meet the criteria of an effect or adverse effect as an undertaking defined in 36 Code of Federal Regulations 800.9 and Service Manual 614 FW 2. The Service will comply with the National Historic Preservation Act if any management actions have the potential to affect any historic properties that may be present.
- **Executive Order 12372. Intergovernmental Review.** Coordination and consultation with affected Tribal, local, and State governments, other Federal agencies, and landowners has been completed through personal contact and/or in writing by Service planners, Refuge managers, and supervisors.
- **Executive Order 13175. Consultation and Coordination with Indian Tribal Governments.** As required under Secretary of the Interior Order 3206, American Indian Tribal Rights, Federal-Tribal Responsibilities, and the Endangered Species Act, the Project Leader attempted to consult and coordinate with the Nez Perce, Shoshone-Bannock, and Shoshone Paiute Tribes regarding the proposed action. All listed tribes were contacted in writing and by phone to assess their interest in the CCP planning process.
- **Executive Order 12898. Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.** All Federal actions must address and identify, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations, low-income populations, and Indian Tribes in

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<sup>1</sup> See 602 FW 3, Exhibit 2 for other potential compliance requirements.

the United States. The CCP was evaluated, and no adverse human health or environmental effects were identified for minority or low-income populations, Indian Tribes, or anyone else.

- **Wilderness Act of 1964.** The Service has evaluated the suitability of the Refuge for wilderness designation and found that no lands within the Refuge meet all necessary criteria for inclusion in the National Wilderness Preservation System.
- **National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee).** Appropriate Use Findings were prepared for boating at no-wake speeds, competitive and group cycling and jogging, individual cycling and jogging, float plan use, geocaching, grazing and farming, high-speed watercraft use, horseback riding, ice skating, remote controlled planes, research, swimming and beach use, and walking with dogs. Walking with dogs, swimming and beach use, individual cycling and jogging, boating at no-wake speeds, horseback riding, and high-speed watercraft use were all found to be appropriate when following stipulations set forth in the compatibility determination for each use. Compatibility determinations were also prepared for fishing, hunting, wildlife observation, photography, interpretation, and environmental education. All wildlife-dependent activities and appropriate nonwildlife-dependent activities were found to be compatible with stipulations.
- **Executive Order 13186. Responsibilities of Federal Agencies to Protect Migratory Birds.** The CCP is consistent with Executive Order 13186 because the CCP and NEPA analyses evaluate the effects of agency actions on migratory birds.
- **Endangered Species Act of 1973 (16 U.S.C. 1531-1544).** CCP implementation is expected to result in findings of no significant action.
- **Executive Order 11990. Protection of Wetlands.** The CCP is consistent with Executive Order 11990 because CCP implementation would protect existing wetlands.
- **Integrated Pest Management, 517 DM 1 and 7 RM 14.** In accordance with 517 DM 1 and 7 RM 14, an integrated pest management (IPM) approach has been adopted to eradicate, control, or contain pest and invasive species on the Refuge. In accordance with 517 DM 1, only pesticides registered with the U.S. Environmental Protection Agency (EPA) in full compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and as provided in regulations, orders, or permits issued by EPA may be applied on lands and waters under refuge jurisdiction.

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Chief, Division of Planning, Visitor  
Services, and Transportation

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